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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,864	06/05/2006	Hideyuki Miyake	1247-0549PUS1	4612
2292 7590 09/10/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
SHAH, MANISH S				
ART UNIT		PAPER NUMBER		
2853				
NOTIFICATION DATE		DELIVERY MODE		
09/10/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

### Office Action Summary

**Application No.**

10/581,864

**Applicant(s)**

MIYAKE ET AL.

**Examiner**

Manish S. Shah

**Art Unit**

2853

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Yokoi et al. (# US 6257692).

Yokoi et al. discloses:

- A printing apparatus (see figure: 21) that reads a document while conveying the document and is provided with a serial printer section in which, while conveying a recording sheet, a recording head moves in a direction crossing a direction where the recording sheet is conveyed (figure: 21), the printing apparatus comprising: a single driving motor (element: 24, 227, figure: 2, 24) that generates a driving force for conveying a document or a recording sheet; a document conveying mechanism to which a rotation force generated by the driving motor can be transmitted to convey a document; a recording sheet conveying mechanism that conveys a recording sheet when receiving the rotation force generated by the driving motor; transmitting means for transmitting the rotation force generated by the driving motor to the document conveying mechanism when recording head locates in a specified position (figure: 1-3; column: 7, line:1-30); and controlling means for controlling movement of the recorded

head so that the transmitting means can transmit the rotation force generated by the driving motor to the document conveying mechanism (figure: 18-20).

- The transmitting means includes a planetary gear, the document conveying mechanism includes a gear that can mesh with the planetary gear, and the planetary gear meshes with the gear provided in the document conveying mechanism when the recording head locates in the specified position (see figure: 2-3, column: 7, line: 1-30).

- The recording sheet conveying mechanism is provided with a gear that meshes with a gear placed on the driving motor, a main conveying roller that conveys a recording sheet to beneath the recording head, and a feeding roller for conveying a recording sheet to the main conveying roller, and controlling means for controlling a rotation direction of the driving motor so as to switch between conveyance of a recording sheet by the main conveying roller and conveyance of a recording sheet by the feeding roller is provided (see figure: 18-20).

- The recording head performs recording in accordance with an ink-jet method (see figure: 21).

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Doi (# JP 2002-037482).

Doi discloses:

- A printing apparatus that reads a document while conveying the document and is provided with a printer section in which, while conveying a recording sheet, a recording head moves in a direction crossing a direction where the recording sheet is

conveyed ([0019]), the printing apparatus comprising: a single driving motor (element: 3, 63, figure: 1 & 11) that generates a driving force for conveying a document or a recording sheet; a document conveying mechanism to which a rotation force generated by the driving motor can be transmitted to convey a document ([0036]); a recording sheet conveying mechanism that conveys a recording sheet when receiving the rotation force generated by the driving motor (element: 36, figure: 1); transmitting means for transmitting the rotation force generated by the driving motor to the document conveying mechanism when recording head locates in a specified position (element: 35, figure: 1); and controlling means for controlling movement of the recorded head so that the transmitting means can transmit the rotation force generated by the driving motor to the document conveying mechanism ([0036], [0019]).

- The transmitting means includes a planetary gear, the document conveying mechanism includes a gear that can mesh with the planetary gear, and the planetary gear meshes with the gear provided in the document conveying mechanism when the recording head locates in the specified position (see figure: 1, 8-11, 17-18).

- The recording sheet conveying mechanism is provided with a gear that meshes with a gear placed on the driving motor, a main conveying roller that conveys a recording sheet to beneath the recording head, and a feeding roller for conveying a recording sheet to the main conveying roller, and controlling means for controlling a rotation direction of the driving motor so as to switch between conveyance of a recording sheet by the main conveying roller and conveyance of a recording sheet by the feeding roller is provided (see figure: 1, 8-11, 17-18).

***Allowable Subject Matter***

1. Claims 5 & 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

2. Applicant's arguments filed 05/27/08 have been fully considered but they are not persuasive. Applicant argued that the motor 24 in Yokoi reference does not have "transmitting means for transmitting the rotation force generated by the driving motor to the document conveying mechanism when the recording head is located in a specific position and transmitting the rotation force only to the recording sheet conveying mechanism when the recording head is located in a position other than the specific position." which is not persuasive. In column: 7 line: 5-10, Yokoi clearly teaches that the apparatus having the ejector roller gear 28, which is the same as transmitting means, which rotate the ejector head from one position to other position, and applicant just claiming specific position, then didn't claimed which is specific position. Therefore Yokoi reads on the present claim language.

***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manish S. Shah whose telephone number is (571) 272-2152. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Manish S. Shah/  
Primary Examiner  
Art Unit 2853

/MSS/